

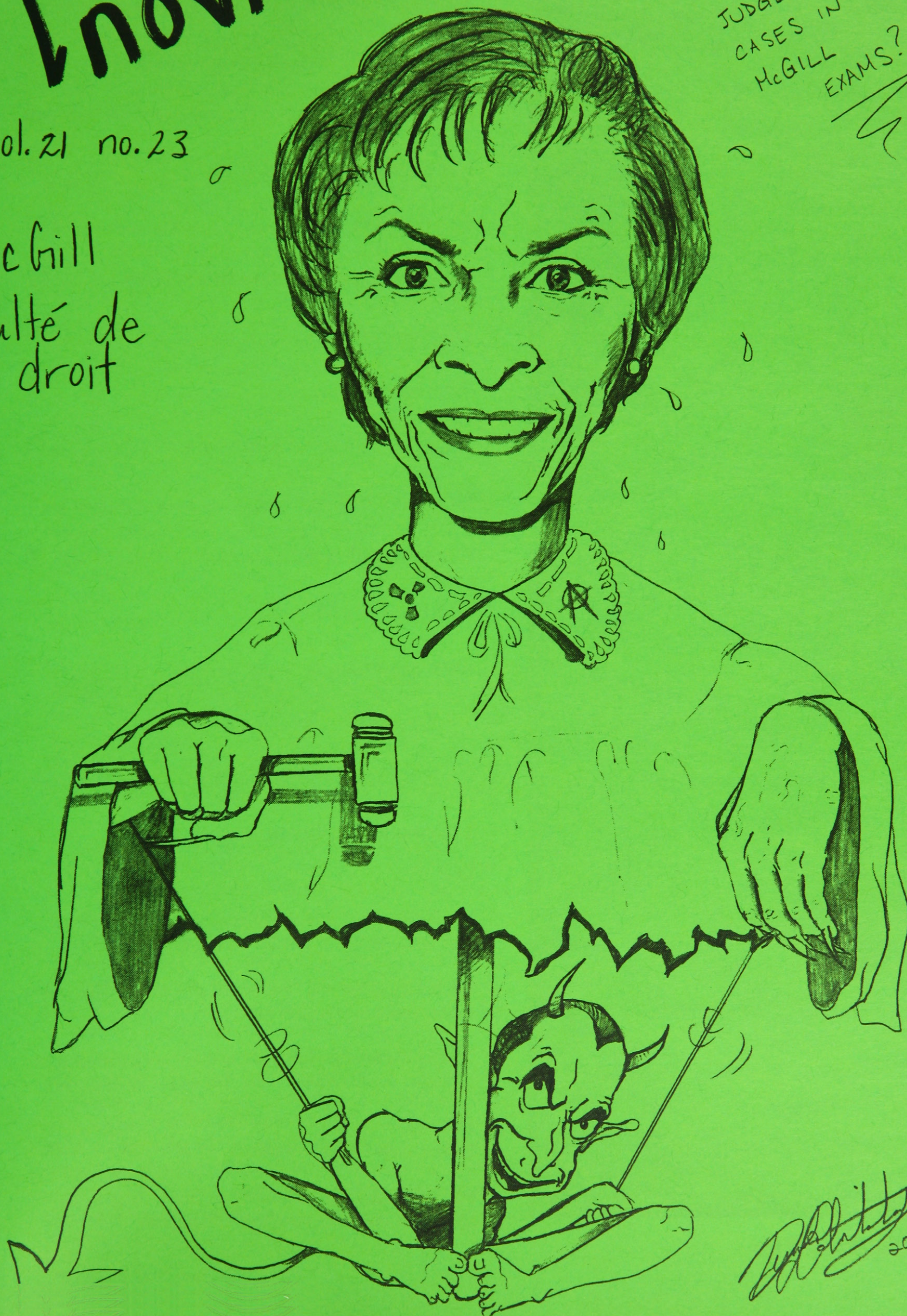
quid novi

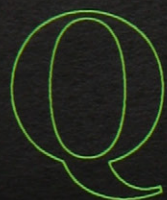
vol. 21 no. 23

McGill

Faculté de
droit

CAN
WE USE
JUDGE-JUDY
CASES IN
McGILL
EXAMS?





3661 Peel Street
Montreal, Quebec
H3A 1K1
514-398-4430

Rédacteur-en-chef
LAWNA HURL

Managing Editor
FRANCA SILLA

Associate Editor
**VALERIE LEGROS
GRANT MCINTYRE**

Rédacteur adjoint
LIZANNE BRUNELLE

Layout Editor
REBECCA HARE

Web Editor
MARTA JUZWIAK

QUID NOVI is published weekly
by students at the McGill Univer-
sity Faculty of Law. Production
is made possible through the
direct support of the students.

All contents copyright 2000
Quid Novi.

Les opinions exprimées sont
propres aux auteurs. Toute con-
tribution doit indiquer l'auteur
ou son origine et n'est publiée
qu'à la discretion du comité de
rédaction. Articles peuvent êtres
envoyés au
quid_novi@hotmail.com

Table of Contents

Mortal Flights of Fancy.....	3
Dr. Strangelove.....	5
Soccer Scores.....	6
Note Stealing Losers.....	7
Election Mania.....	8-11
Presidential Candidate Interviews.....	12
Dr. Panzonfiah.....	14
Take me Out.....	14
A Coffee House to Remember.....	15
Hocky World Reeling.....	16
On Ambivalence.....	20
Old Brewery Mission.....	21
Dissension.....	22
A Concise History.....	23
Career and Placement.....	26
Maastrich Application.....	27

Dear all,

Attention to the the dear Quiddies.... after this there is
only ONE MORE QUID for the entire year.

Big thanks to Yas and Graham for picking the Quid up for
me on Tuesday, you guys rock.

Thanks to Professor Jutras for spelling my name correctly.
(laWna). I really should think first and publish second.

I hate snow.
Lawna, oops I mean laWna.

PS. Whoever keeps submitting an Ode to JICP in the
Quid LSA mailbox - no author - no publish.

Mortal Flights of Fancy³

Jeanette Gevikoglu LLB III

*Thou hast made me, And shall thy worke decay?
Repaire me now, for now mine end doth haste,
I runne to death, and death meets me as fast,
And all my pleasures are like yesterday.*

There are many people in this world who do not 'run' to death. On the contrary, their path toward the inevitable end of their lives is slow and tortured. For AIDS and cancer patients, accident victims, failed organ transplant recipients and many others, and for their families, death brings to an end the excruciating middle passage in which efforts to sustain life indefinitely are painful, costly, and invariably futile. Given the fact that for these persons, the pleasures of life are past and the benefit of life has been exhausted, why indeed should they not be allowed to 'run' to death?

Such was the message of "Changing Attitudes to Life and Death", the annual Jurisprudence lecture recently delivered at the Faculty of Law by Peter Singer, currently the DeCamp Professor of Bioethics at Princeton University. Taking direct aim at what he dubbed the 'sanctity of life' doctrine, Singer set out to show that a position advocating the absolute inviolability of human life was no longer tenable, and that the time had come for society to be more open and honest about the choices that it was already making regarding life and death.

I am a little world made cunningly
Of Elements, and an Angelike spright,
But black sinne hath betrayed to endlesse night
My world both parts, and (oh) both parts must die.

A defining characteristic of all major world religions is their claim that there is more to life than meets the eye. Within Christianity, in particular, the existence of a transcendental drama is believed to explain the phenomenon of death itself. The basic premise of the 'Creation' story, suggesting that death is the result of man's initial disobedience of a divine decree, sounds fanciful enough to the modern ear; still, it is a thought-provoking account in a field where the number of 'existential theories' currently available are relatively few. Furthermore, all that we do know for certain about death – namely, that we are not in control of it – itself suggests that death is profoundly superhuman. Given this fact, the 'Creation' story is seen to provoke broader and still more complex existential questions than those seeking an explanation for the phenomenon of death. If there are superhuman forces that impact upon man's mortality, do these forces also play a role in directing man's activity during his lifetime? Are there supernatural limits that define the parameters of man's freedom in moral terms, just as natural limits define the boundaries of his possible physical activity?

A defining characteristic of all major world religions is their claim that there is more to life than meets the eye.

Singer's lecture was marked by a less-than-veiled frustration with the viewpoints of religious believers who defend the sanctity of life doctrine, such believers presumably being the ones who continue to be the most vocal opponents of his own views. His approach suggested that given the existence of 'hard cases' that test the sanctity of life doctrine to its very core, the doctrine was to be abandoned entirely in favour of a more pragmatic ethic. For those in the room with a legal background, perhaps the adage that "hard cases make bad law" sprang to mind; for religious believers such as myself, however, the discontent with Singer's lecture was more acute. Singer proceeded as though religious believers and non-believers did not share similar concerns about the meaning of life and death, and as though these difficult yet ever-present questions had no potential impact on the scope of discretion available whenever life and death 'choices' were to be made.

It is possible, of course, to step outside this perplexing circle of inquiry by ignoring the lurking transcendental questions surrounding death, and treating earthly life as the only relevant criteria to be considered when engaging in end-of-life decisionmaking. This was precisely Singer's approach, which emphasised the *quality* of one's earthly life as the best possible gauge for determining whether that life should continue or not. As Singer argued in his lecture, the 'benefit' of life is assessed not only according to a person's ability to *experience* life (which requires consciousness as a bare minimum) but also – and more crucially – according to a person's ability to *enjoy* life. This requires not merely consciousness, but also what Singer described as 'self-awareness'.

continued on the next page....

le 27 mars 2001

N

Introducing self-awareness into the analysis, however, is a twist that allowed Singer to push the analysis of 'benefit' even further into the realm of the subjective, for with self-awareness comes autonomy. Thus, according to Singer, a fully conscious and self-aware individual may decide that given particular circumstances, his or her life is no longer of any benefit. This exercise of autonomy is not to be equated with a blanket sanctioning of suicide; as Singer pointed out, existing legislation in Oregon and proposed legislation in the Netherlands only permit physician-assisted suicide or euthanasia in cases where the person involved is "terminally" or "incurably" ill. Yet in expressing his support for the Netherlands' terminology (requiring that the person be "incurably" ill, though not necessarily facing imminent death), Singer made clear that a central factor in his 'quality of life' analysis is the presence or absence of suffering. Suffering, no less than consciousness or self-awareness, is to be treated as a determinative indicia of whether a person's life is of continued benefit.

not entirely so. Most people understand through experience that positive outcomes may arise from moments of hardship or sacrifice, a realisation that likewise finds expression in our language structures ("ca vaut la peine"). Far from being an abstract fiction concocted by religious believers, the notion that suffering may have value in making us stronger persons is deeply rooted in the human psyche. In Singer's world, however, a metaphysical explanation of suffering is completely irrelevant. Accordingly, suffering is deemed to have no possible value "in itself", but only perhaps an instrumental value where it is self-imposed for the sake of achieving a particular cause (such as finishing a book before death). Yet one wonders whether the difference between 'intrinsic' and 'instrumental' value in suffering is as clearly demarcated as Singer would suggest. If not, it would appear that Singer's easy dismissal of suffering as meaningless gives short shrift to an immense aspect of *everyone's* lives, whether or not the suffering involved relates to a terminal or incurable illness. Thus the question arises: as between the religious believer's metaphysical (albeit unproven) explanation of suffering and Singer's nihilistic (and equally

What, indeed, is the point of life?

Perhaps some would consider Singer's approach to suffering as compassionate; I would prefer to regard it as escapist. Here, more than in any other aspect of his analysis, Singer's theory of end-of-life decisionmaking appeared to be characterised by stark nihilism about life itself; to this extent, what was most jarring about his lecture was not the impression that it was heartless, but rather that it lacked soul.

Batter my heart, three person'd God; for you
As yet but knocke, breathe, shine, and seeke to mend;
That I may rise, and stand, o'erthrow mee, 'and bend
Your force, to breake, blowe, burn and make me new.

What, indeed, is the point of life? There are arguably few people who would take the view that life is merely a life-long frenzied attempt to pursue pleasure and avoid pain. Those that do must surely have a difficult time adjusting to the extent of suffering that exists in the world: it cannot be easily explained, and is – like death – a reminder of the limits of man's control over himself.

As religious believers, Christians understand suffering within the framework of the transcendental drama. Suffering, like death, is thought to be the result of human sinfulness; yet God himself has transformed suffering. Suffering can be a form of spiritual 'cauterisation', cleansing the soul of its sin just as the searing iron can rid a wound of infection. This, again, is an unusual claim to put to a modern audience, yet

unproven) philosophy of suffering, which one resonates more closely with human experience? Is there not, indeed, a marked futility and despair latent in Singer's approach – suggesting that once intense suffering begins, life may as well be ended since suffering is a doubly pointless finale to a life whose point is itself unknown?

The truth is that it is impossible to avoid the transcendental questions surrounding life and life's end. Whether or not a divine power exists is a question that provides a continuous background echo to our entire lives. Yet particularly in matters of suffering and death, the question impresses itself upon us in such a powerful manner that it simultaneously appears intended to suggest an answer. The trend to extend human autonomy in end-of-life decisionmaking represents a unique attempt to put man in greater control of himself, one that seeks to achieve its goal by giving man discretionary power over the ultimate human phenomenon. Yet in the midst of this great thrust of human power towards the superhuman, the paradox of man's limited power becomes even more apparent: all that Singer can offer are arguments for extending our ability to run to death, rather than the elusive formula for conquering it.

continued on page 16

Dr. Strangelove; Or, How I Learned to Love the Law

Mark Searl Nat IV

For a long time, I hated law school. In first year, I went through the motions of studying, summarizing and going to class. I was nothing if not efficient—efficient, methodical and bored out of my skull. I routinely fell asleep in class. I cried every day for a week after reading week when I realized I was a month behind in common law property. The inner bitch growing inside me made me doubt any abilities I possessed to have a normal existence in law school. Still, my diligence ensured that I achieved a respectable outcome after first year. In second year, recruiting, extra-curricular responsibilities and personal problems exhausted the reserves of energy I had used to bend my will to the curriculum the year before. I stopped going to class. The classes to which I went I would sleep through or take walks in the middle to relieve myself of boredom. I grew angry and frustrated, unable to find anything I liked about Montreal, McGill or law school.

The nadir of my academic and personal life came during December exams. My GPA and self-esteem plummeted. After that, I simply gave up on everything, including myself. I watched people around me work to fill the gaps I had left. My mood swings were unbearable, even to me. I blamed law school for everything that went wrong. The institution, the professors and other students, all had some inexplicable flaw. The inner bitch had taken over. Once, I tried going to a therapist. He told me I had anger management issues, so I got mad and never went back. I took a martial arts class instead.

Soon, however, I was forced to confront my inner bitch head-on. Being part of the Laskin Moot and the *Journal* helped. It taught me that not everything about law school is evil. Busting my knee helped even more. There's really no one you can blame for a sports injury (not even McGill Law). The long road to recovery reminded me about the difference between a setback and a failure. A telling remark from an old friend helped too. Sitting on the roof of our place in New York, he remarked that I had grown a sharp, unforgiving edge. It wasn't a compliment. I learned that I shouldn't be so hard on myself and others.

Eventually, I stopped blaming law school for each of my insecurities. I'm not saying there was never pressure but I am acknowledging that most of the pressure and anxiety I felt came from me, not anyone else. These days, I try to take each moment in stride and enjoy where I am. I now attend every class and rarely fall asleep. While I make a good faith effort to keep on top of work, I no longer feel hopeless despair when I see a pile of unread readings. I assume I'll get through them and still have time to watch the West Wing every Wednesday. As for that inner bitch? Well, she's still around and happy to make an appearance when needed. Usually, I just ignore her and tell her she really needs a chocolate, a drink, a new pair of shoes...

Why did I tell this story? It might be because graduation has made me overly introspective. Or because I'm not the only one who went through this. Or because there's a lot of talk about pressure, stress and law school. Mostly, I think it's because I want to let others like me know: this too will pass.

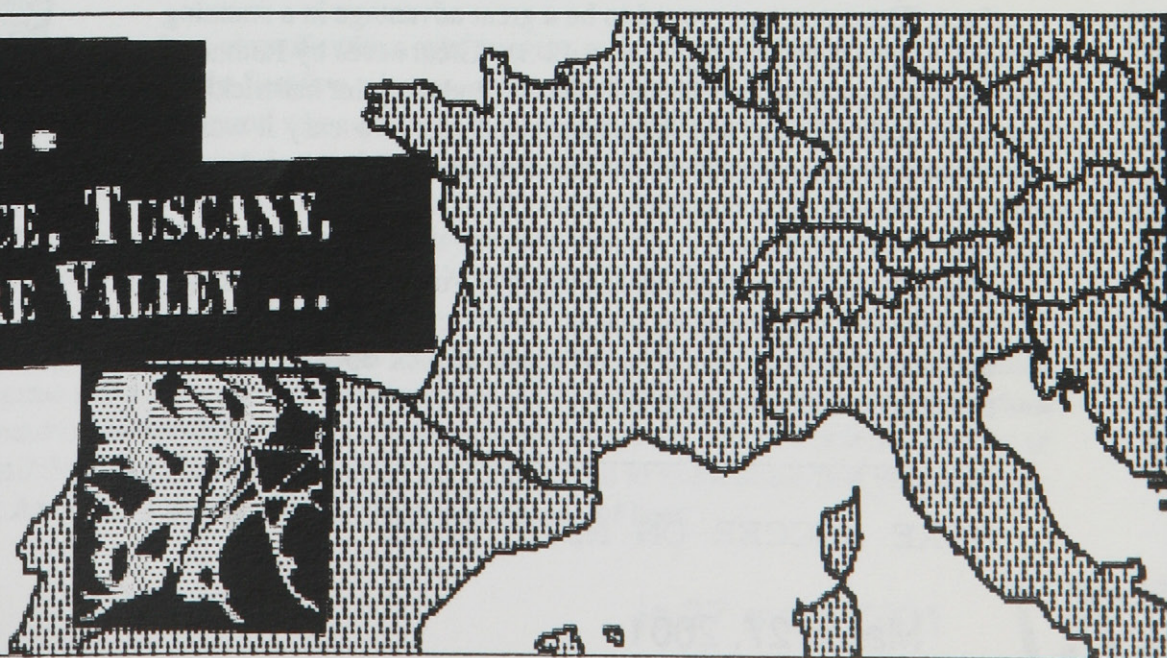
IMAGINE ...

CYCLING THROUGH PROVENCE, TUSCANY, THE CHATEAUX OF THE LOIRE VALLEY ...

FOR MORE INFORMATION CONTACT

BLUE MARBLE BIKING

Phone (519) 624-2494 • Fax (519) 624-4760
blumarbl@mgj.ca • www.bluemarble.org



Soccer Scores

Nick Whalen LLB III

After a turbulent Fall Soccer Schedule that witnessed much infighting among the law school players, 4 teams emerged to compete for the Men's Indoor B Soccer Title. With no matches in the regular season, anticipation caused the bad blood to stew. As the playoffs began, all teams were in contention. Illegals, Rossoneri, Justice 4 Sale each boasted 4-1-0 records. Croatian Tigers just behind with a 3-2 record were still well into the top half of the 30 team draw. After 2 rounds of the play-offs, only Illegals and Rossoneri remain in the hunt. Destined to meet in the semi-final to end all semi-finals, the victor almost certain to go on to ultimate victory, the vanquished to buy the winner a case of beer.

This is how the season panned out.

Illegals got off to a rough start on the season. A rescheduled first game, and the injury to the impenetrable Mike Redmond saw the team rusty into their first game against FC Minestrone (2-2 record). Play started with the Illegals short-handed, before Sean Fraser joined at 10 minutes. In the second half, a bad tackle by a clumsy Minestrone defender on Vic Couto resulted in Vic's ejection from the game for talking back to the ref.

With the game tied at 2-2, Sean Fraser received a 5 minute penalty for sliding (an automatic yellow card). Upon his return, a reflex reaction in the crease resulted in a second red card against the Illegals for an intentional hand ball to prevent a goal. The goal counted, 3-2 Minestrone. Despite the 2 man disadvantage, the final 4 minutes of play were closely played. Inconsistencies in the refing took their toll on team moral before a final goal was scored in the dying seconds.

The membership of the team changed substantially in the second game of the season. Vic Couto and Sean Fraser were out with red cards, and a non-law student draftee left the league. Mike Kandev, Amarkia Laryea, Chris Keenan, Nick Whalen and Mike Redmond (recovered from his back injury) played the first game without subs, to a handy 6-2 win over Crunchy Lettuce(2-1 record). Good heads up passing by Keenan, the quick reactions of Laryea, and the stone wall goalkeeping of Redmond made the opponents look yellow and wilted (C. Keenan 1, A. Laryea 3, N. Whalen 2).

The success continued into the third game. Sean Fraser was back in the line-up, but Vic Couto remained sidelined with a broken foot. The extra man proved to be a great advantage in a stunning 8-3 win over the Mighty Molars (2-3). Great saves by Redmond effectively capped the Molars' offense, and the joint hat-tricks by wide bodies Fraser and Whalen showed just how easy it was to pass between the gaps in the Molars' defense (S. Fraser 3, A. Laryea 2, N. Whalen 3).

The Illegals came out of hiding hoping to trounce Soccer Team (0-5) in the fourth game of the season. Their default made us wish we had stayed in bed. But a good game of pick up with the refs, partially justified the early rise.

MORE SOCCER ON NEXT PAGE

The glamour can be yours..... if you are interested in any of the following positions for next year's Quid, please send a letter of interest to
quid_novi@hotmail.com

Editor - in - Chief - delegate a lot

Associate Editor English - edit English stuff

Associate Editor French - edit French stuff

Managing Editor - finances and advertising and misc.

Layout editor - um... layout

Web editor - um... the web page

Seriously though, everyone is eligible and if you are interested don't let the personalities that came through this year deter you. (and I am only talking about the sarcasm and general bad attitude of the Editor - in - Chief here) Each year the Quid takes on a life of its own.

Ability to spell definitely correctly is required.

A Tale of Theft

Marta Juzwiak Law II

I recently learned from Maria that, about a month ago, her Business Associations notes were stolen from the library when she got up from her desk for only 10 minutes. I'm sure the thief knows what a scummy thing taking those notes was; I want him or her to know also that it was extra scummy because Maria is a kind person who would have lent those notes to anybody who asked. If anybody has information about this crime, please come forward. Below is a scanned sample of Maria's notes. If you see somebody who has not attended Business Associations this semester studying from an original copy of notes resembling these, please come forward.

p. 5:25 2lx Re Base
- left shares in provision in will
↓
"5000 shares to H unless I already gave it to him prior to death"
- why, what is objective? Foster confused. Can guess b/c no explanation:
e.g. - residuary legatee wants H to receive under will or else has to pay succession duties.
- the deceased will alive having executed proper share transfers to

continued from page 6

The final game of the season turned out more exciting than expected. Mike Redmond was unable to attend at the 11th hour due to family business, and so Vic Couto filled the net with his swollen broken foot. Balls Out (2-2) came to play, with 3 subs, and a strong full field press defense. Cracking down on the rough play, the ref awarded a Yellow card to the opposing goalie late in the first half for a feet first slide on Laryea. Whalen blasted the penalty into the corner to cap off his second hat-trick of the season, and to close out the first half 3-2. Surprising savings by Couto in net helped push the Illegals to a 7-3 lead. As a reward, the rusty forward tested his feet for just the second time this season. Unfortunately, tired legs and a yellow card to Sean 'rugby' Fraser (pushing) allowed Balls Out to close the lead 7-5. It seemed neither side could keep the balls out of the net. In the final minute of play an opposing forward knocked one in with his crotch - Balls Out indeed! (M. Kandev 1, C. Keenan 1, A. Laryea 1, N. Whalenn 4).

The opening playoff games saw Whalen's scoring streak continue with 5 goals. Against a short-handed Men of Chem squad, the Illegals cool heads, and quick passing made the 12-1 score seem low. Whalen's showboating was matched with goals from the all healthy members of the squad. Tournament organizer and captain of Men of Chem, Adrian, was duly impressed with the sporting play. This is almost certain to have wiped the slate clean of any animosity between the refs and the Illegals, over events from the first game of the season. (S. Fraser 1, M. Kandev 1, C. Keenan 2, A. Laryea 3, N. Whalenn 5)

The Illegals manhandled yet another team in the second round of the playoffs with a win over top ranked Arsenal. A bit over confident from their 19-1 win the previous week, Arsenal came out blasting in the first few minutes, going ahead 2-1 on bombs launched from near half. A hush ran over the crowd on the second goal when goalie Redmond when down with a twisted ankle. In the first game with a full crew, Illegals almost expected disaster, but Redmond rose to the occasion making diving saves off the weak foot. As the Arsenal dwindled, scoring phenom Fraser proved to be a weapon himself. Deft passing from a freshly recovered Couto and a confident Laryea had Arsenal firing blanks while Fraser filled the net with 4 goals. With 10 minutes to play in the second half it was 8-3. The Illegals had robbed Arsenal of glory, coasting to victory 10-5 (Vic Couto 1, S. Fraser 4, C. Keenan 2, A. Laryea 2, N. Whalenn 1).

The road to the final includes a quarter final match up against Def Squad (regular season record 0-5) whose playoff win came against bottom tier team Cool Runnings. The winner of that game plays the winner of Rossoneri and the dreaded Balls Out, who were victorious over the Master's Law Student team in the second round of the playoffs. Since both law teams will prevail, come watch the true test of faculty soccer dominance on Wednesday, March 28 at 7:30 (right after JICP) - where the Illegals plan to spank some first year ass in the Fieldhouse. The winner goes on to the final Sunday, April 1 at 3:00 pm, Christer buys Nick a case of beer.

le 27 mars 2001

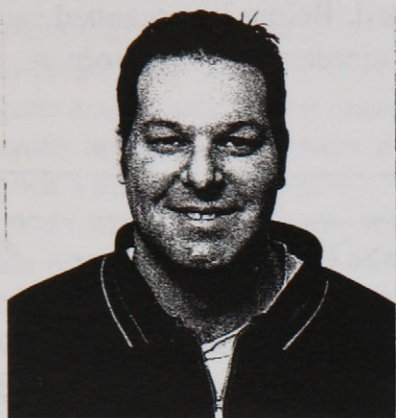
N

Election Mania

Ok kids, here are the candidates, make your choices carefully.

President

Eric Gilman



Experience: As *director of the legal clinic*, I have built countless relationships with other faculties, administrators, deans, and the principal. My work at the clinic has led me to be involved in both the ☐ Cold Beverage Agreement ☐ and the negotiation of the ☐ letters of agreement ☐ between various faculties and the university — this will be an issue in faculty next year that is complex and of great import. While the workings of the LSA can be learned, having a voice in the university cannot — it is something that takes months to establish and cultivate. This respect and hard work led the Dean of Sciences to have me sit on the university *senate sub-committee on academic integrity*, I have already established myself as an outspoken, hard-working, respected representative of the law faculty. As the *director of advocacy* at the clinic, I have spent the year defending the interests and rights of students — including right here in the faculty I have also owned and run a *com-*

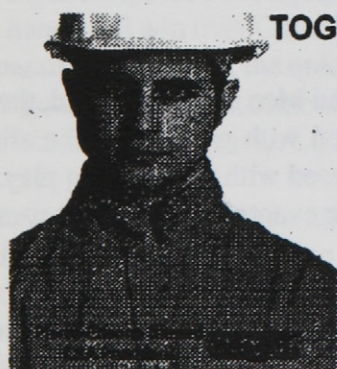
pany for nearly 10 years — providing me with countless lessons on management and fiscal responsibility

Accountability: I promise to hold myself fully accountable to all students. This year the faculty was defrauded of nearly \$20 000 (of *our* student fees) by the operator of the bookstore. Why were we not kept informed? Why did the LSA only send out one email? How is it that we lost control of our bookstore; something that we, the students, have voted on several occasions to not hand over to *Chapters*? We need a new executive that will not work behind closed doors!

Accessibility: One need only talk to the people at the legal clinic (volunteers and directors) and to your fellow students to know that I pride myself of always being available to listen and help. I want everyone to know that if they have a question, a concern, or a comment, they can call me anytime! This is something in which I believe very strongly — whether I win or not.

Philosophy: In practice, the president is the representative of the students and acts as a conduit between them and the faculty (& the university at large). I believe that president should be visible, approachable, and the person who best understands the needs and concerns of all students. I have worked hard defending students rights and interests through the university and wish to now focus on the rights and interests of the students in our faculty. I see the president as an essential uniting element of the community at the faculty.

I respectfully and whole-heartedly ask for your mandate.



TOGETHER • WE BUILD ENSEMBLE • BÂTISSONS

Dear friends,

My name is Pierre-Etienne Simard. I want you to give me the opportunity so that we may build a stronger and closer knit Faculty together. This is a partial blueprint :

- ✓ *Academic Develop more effective forum to make sure that Academic issues reflect student's needs.*
- ✓ *Service de Placement Accroître les opportunités de carrières, tant alternatives qu'au sein des cabinets.*
- ✓ *Cafeteria Work with Pino & Matteo to improve Cafeteria services (greater variety, more seating, ...).*
- ✓ *Services Créer un Café-lounge sur la Mezzanine de l'Atrium.*
- ✓ *Law Games Insuring that McGill Law Games 2002 will outshine other law faculties across Canada.*

These blueprints are cemented by my strong foundation at our Faculty :

- ✓ *2 Years Active Member of the Law Student's Association Executive (LSA) | 99-2001*
- ✓ *À titre de VP-Relations Publiques, a amassé plus de 160 000 \$ pour nos activités étudiantes et pour des organismes de charité | 99-2001*
- ✓ *2 Years Active Member of the Skit Nite Organization Committee | 99-2001*
- ✓ *Membre du Comité de Révision de la Constitution du LSA | 1998-99*

Comme vous pouvez le constater, j'ai à cœur le développement de notre Association étudiante. Je désire créer un sentiment de solidarité et de respect entre chacun nous. Now let's construct something that we will be proud of. Together...let's build !

VOTE PES FOR PRES

PESFORPRES@HOTMAIL.COM

VP Academic



Andrew Bryan

My name is Andrew Bryan and I'm running for VP Academic. The role of the VP Academic is a very important one. The VP Academic is primarily responsible for all curriculum issues within the LSA. As such, the VP Academic should be someone who knows the issues and is prepared to deal with them. During the past year I sat on the Faculty Council and dealt with academic issues at that level. I've listened to and participated in the debates on everything from non-law credits to grading at the faculty to the meaning of the word "retroactive". As a student in the transsystemic program I understand the concerns and what changes need to be effected. As a current member of the Faculty Council I understand many of the Faculty's concerns as well. As a result I think I'm very well-placed to propose changes which will benefit students and be acceptable to the faculty. One area that needs fixing is the distribution of work in first year. I would support propositions to lighten or redistribute the workload in first year as I did with the proposition to make the elective course optional. I would also like to see a rearrangement of the legal methodology program to make the work more uniform over the year, instead of all concentrated in

the second semester. These are just a couple of my ideas. Please feel free to come talk to me about any ideas or concerns and vote ANDREW BRYAN for VP Academic on March 28-29.



Marta Juzwiak

Let's eliminate unnecessary student frustration!

Simple Solutions for a Better Student Life:

Exams: Many students are uncomfortable making appointments with professors to see their exams. Exams should be available at the O.U.S. for students to photocopy. Copies of either a model exam or the top exam from each class should be made available as well. This "model copy" should come with the professor's explanation of what makes it outstanding

Courses: Students should be guaranteed access to at least 15 law school credits per semester, and they should be guaranteed a spot in the top two courses of their choice.

Photocopiers: The photocopying situation in the library is unacceptable. Funds should be directed toward installing *at least* one more photocopier on the main floor.

Electrical Outlets: We need more electrical outlets in the large lecture theatres. In these rooms, laptop-using students are coupling and stretching electrical cords to cope. This is an unnecessary safety hazard that can be prevented easily.

A vote from you will help me fight for these solutions, and many others!

VP Administration:

Regina Skerjanec

My name is Regina Skerjanec and I am running for VP Admin. I like organization and am willing to threaten and/or dominate people into being clean & tidy in the LSA Office. Let me whip things into shape!



TJ Schmaltz

Two years ago, the position of VP Clubs & Services was created to help meet the needs of the faculty's student body. During those two years, the portfolio has grown in size, encompassing almost every facet of student life. From liaising with the Computer Committee to coordinating club activities and publishing the annual Bottin, the job is not without its challenges! So why am I seeking re-election, you may ask? To begin with, I have really enjoyed the work and there are still a number of projects and ideas that I would like to see happen. I have the advantage of being familiar with what needs to be done. I wouldn't be starting from scratch, but picking up where I left off. Et j'aimerais continuer à servir les besoins des étudiants en droit en 2001-02 au fac. Je demande votre support pour compléter une autre mandate au poste de VP Clubs! If you have any questions or comments please do not hesitate to contact me via phone (845.4363) or e-mail at schmalt@lsa.lan.mcgill.ca. Bonne chance and good luck to all the candidates next week!

VP Internal

Boris Savoie-Doyer - no information submitted

VP Public Relations



Sebastien Roy

En tant que VP relations publiques, je serai en charge, si élu, d'assurer le rayonnement des événements de l'AED ainsi que de ses levées de fonds. Not this is not just about sponsored Coffee Houses. It is also about raising funds for events like Skit Nite, where law students not only get together but also give back to their community. Je me suis déjà acquitté de tâches similaires par le passé au sein d'associations étudiantes. Je suis convaincu d'avoir l'expérience, la conviction et la passion nécessaires pour être VP relations publiques au sein de l'AED. This week, vote Sebastien Roy for VP Public Relations.

VP Finance

Jessica Peterkin - no information submitted



Maria-Franca Silla

Silla, Maria-Franca v. LSA - VP Finance Position [2001-2002] 2 McG 2

Faits: -Silla est candidate pour le poste de VP Finance.

-Responsabilités: Administrer les fonds de l'AED de façon juste et équitable. Tenir les livres à jour en tout temps. Subventionner les activités des clubs et les services de la Fac tout en évitant la faillite!

Question en litige: - Devrait-on voter pour elle?

Held: YES!!!

Reasoning: -She's energetic, insanely well-organized, and is a champion with numbers. Her fearlessness in the face of spending pressure will allow her to play the nauseatingly thrifty and uptight finance girl role to a tee. (Besides... that Commerce/Management undergrad degree has to be worth something.)

-Finance Related Experience This Year: Co-chair of the fundraising committee for ORIENTATION WEEK 2000; Currently the managing editor for the QUID NOVI... her perseverance brought in the big bucks and her hard work keeps the Quid books in check. See: *Orientation Committee v. Law* [2000] and *Quid Novi v. Red, In the* [2000-2001].

VP Sports

Catherine Bleau - no information submitted

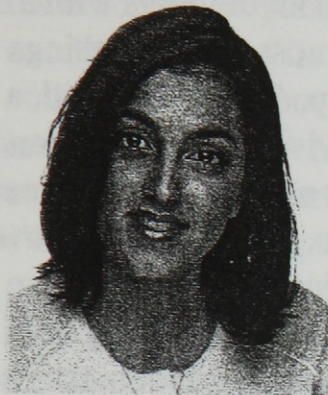
Class Presidents:

11

Law II:

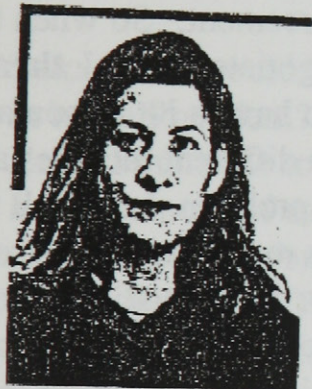
Michael Arnot

My name is Mike Arnot. Je me présente comme candidat pour chef de classe (Class President) des deuxièmes années pour l'année 2001-2002. I would be most honoured if you gave me the opportunity to work for our class. This position exists to represent the students of our class. I am not representative of most students in our year because I am so tall, but I promise I will do what I can to be shorter. J'ai quelques projets que j'aimerais entreprendre l'année prochaine. For example, I want to organize a volunteer program for 2nd year students at the Old Brewery mission, twice per semester at minimum. Les étudiants en droit ont une responsabilité envers la communauté; je crois que ce type de projet est important. How will you hold me accountable? If 400,000 McGill Law Students sign a petition, I will change my name to Doris Day. In the meantime, VOTEZ POUR MIKE (and Shalini too!).



Shalini Melwani

My name is Shalini Melwani. As Class Representative for Law II, I will ABOLISH THE FAC-TUM, get all us FREE CASEBOOKS, and get our year PRIORITY REGISTRATION. Oh yeah, I will REMOVE COMMON LAW PROPERTY from the curriculum. Actually, I'll do none of the foregoing. But one thing that I will make sure of is that people do not dry their socks in the microwave! A vote for me means that your concerns will be voiced at LSA Council. Vote Shalini for 2nd year class representative (And Mike Arnot!) We will both serve you well. J



Michelle Williams

Hi! My name is Michelle. I enjoy long walks on the beach, candlelight dinners ... whoops - wrong ad. Seriously though, if you are concerned about the lack of communication between LSA and our year, or would like to see more activities outside the faculty, like a Law II pub crawl or helping out in the community, vote Michelle Williams for Law II Class President.

Law III:

Jeff Kurzon - no information submitted

Vinay Shandal

My name is Vinay Shandal; I am a second year law student; I have brown eyes and jet black hair, standing 6'0" tall, and well known amongst the first year ladies for my dashing good looks and my preference for romantic walks on the beach. I am running for Law III class representative. Vote for me ... or if you are less daring, then call me at 626-0154 if you want to take a stroll on the beach!

Nat IV:

Chris Keenan



Pauline Wong - no information submitted

Law Senator

Jeffrey Meyers - no information submitted

le 27 mars 2001

N

PRESIDENTIAL

face-to-face with eric gilman

Saklaine Hedaraly Nat IV

Sak: You have participated in a variety of things in the Faculty, notably the Legal Clinic. Why all of a sudden a desire to get involved in student politics.

Eric: I always tried getting involved as much as possible, and I think there has been, in the last years, a veritable disenfranchisement between the years, I don't want to call it a malaise, but there has been a lot of finger pointing. Obviously, the new program has lent itself to it, and that really struck me. I didn't come here with a three-year plan for becoming president. I didn't think I would get involved in the LSA and get my picture in the wall. This school needs people who try to understand and listen to all the years. To make an effort to be a cohesive force. For example, a couple of articles I wrote in the Quid recently generated a lot of discussion. I was even told personally that my article on Coffee Haus prompted this week's [last week's] Coffee Haus sponsored by the Profs. I mean, above any other accomplishments, be it the Legal Clinic or the Radio show, to write an article, and then be told by faculty members that it was one of the key factors that led Prof. McDonald to take that initiative, and round up professors and faculty members and then to donate the money in the name of this Coffee Haus to charity really feels great. That is bringing people together. It is something a president should be doing.

Sak: Why President? You could do some of the things you've outlined as some other member of the Exec, or not being on the Exec at all?

Eric: Because each member of the Exec have specific responsibilities in the LSA. The president's role is a lot more amorphous. He works with others and tries to maintain cohesiveness. He's the link between the Faculty and the students. He's on the front line. If there is a problem, people will ask the President, they will not look through the LSA Constitution and say this should be directed towards the VP External for instance. So as president, I would be putting myself in a situation where I would have a more direct hand in addressing some of the issues. If anything, I think it would empower myself, and not in terms of my own cult of personality, but in terms of my abilities and my goals, and I think they match well with the role of President.

Sak: How do you think not being a member of the Exec, not this year or the previous ones, would impair you insofar as it limits your knowledge of particular issues or procedures?

Eric: Obviously, I will learn a lot of things with a new position. However, I think most of these things are learnable, that you can pick up. This being said, a big part of the role of President is also being a conduit between different faculties or university departments. In my role at the Legal Clinic, in advocacy, I have to talk to a lot of different faculties. Every time there is a problem between let's say the Grad Faculty and the University, or the Science student association, they have come to me, and it allows me to see how these agreements are negotiated. I have already spent a month working on those letters of agreement. So when the time comes for the LSA to negotiate those, I already have knowledge of that. I also have a lot of contacts throughout the university, with different faculties and departments. When there is a problem, I can call the Dean of Students and she calls me back. Those relations built are the things that you can't learn in a month. These are relationships that through my hard work and success through the Legal Clinic, have given me tools that are an essential part of being LSA president.

Sak: What are the 3 biggest issues facing the LSA next year?

Eric: First of all, the questions of letters of Agreement that have to be dealt with. For example, the CBA (Cold Beverage Agreement) will be coming up again, also the autonomy of the Faculty, of the cafeteria. These are major issues affecting the students' daily lives. Then, there is the new program. It still has a lot of jelling to do. It went a long way since last year when students came in and didn't know what to expect. There are growing pains, and questions such as minors and human rights internships still have to be addressed. And Finally, just get back to being a Faculty again. Getting rid of this animosity and finger pointing between the years.

Sak: You are a very outspoken person. You have strong opinions on a variety of issues. How will you

continued on page 17

RACE 2001

13

face-to-face with pierre-étienne simard

Saklaine Hedaraly Nat IV

Sak: Pourquoi as-tu décidé de dévouer autant de ton temps à la politique étudiante?

PES: Mon intérêt pour le mouvement associatif remonte au CEGEP. J'ai toujours aimé travailler avec les étudiants et pour les étudiants. Souvent, ceux-ci ont des projets qu'ils n'ont pas nécessairement le temps ou les ressources pour mener à terme, et j'aime pouvoir les aider en cela. À McGill, j'ai trouvé une dynamique et une chimie vraiment intéressantes, et mon intérêt s'est alors développé de façon encore plus accrue. Ça permet aussi de travailler avec des gens extrêmement intéressants et souvent avec des vécus très différents. Par exemple, en première année, j'ai été membre du comité sur la révision de la Constitution et j'ai trouvé l'expérience très formatrice.

Sak: How would being on the Exec before help you in being President?

Eric: I think the role of the president is to extract the maximum out of every Vice-President. Being on the exec the year before gives the President the opportunity to help the VPs carry some projects further, because he already knows where we should start and what problems should be avoided.

Sak: What are the 3 biggest issues facing the LSA next year?

PES: First thing are the letters of Agreement with the University. We will be the last Faculty to enter these agreements. This is really a tactic from the University because they know by experience that the negotiations with law students are the fiercest. So they hope to be able to bully us by saying, well there is only you guys left. An example of how the University "negotiates" is what happened with the SUS (Science Undergraduate Students). The University withheld the student fees paid by science students to force SUS to sign the Agreement. The major problem for us is that the university wants to regain their control on the law school cafeteria. So essentially, they want Pino out. The third and fourth year students can remember how limited the old service provided by Miraval was, and the university wants us to go back to that.

The second thing is the cafeteria itself. There have

been complaints about diversity of food offered. That is something I want to change. I want Pino & Matteo to stay, because I think they are doing a great job, they are very involved in the Faculty, and we love the staff. I want to work with them to make some changes. There is also the issue of space. We have a very small cafeteria, and one my projects is to build a sort of café lounge in the Atrium mezzanine. Get tables, couches, plugs for laptops, and so on. I would like to consult every student on that and see what they think, maybe even putting 2 televisions there

Sak: Would that be with LSA money?

PES: This project would be partly funded by the LSA, and partly by Pino & Matteo and hopefully also the Faculty can get involved, because the Profs and the staff would also benefit. This is obviously still at the stage of project, but I already spoke to Pino about it, and he seemed willing to entertain the idea.

Sak: So letters of Agreement, cafeteria, what's the third issue?

PES: I think it is academics. We have to make sure the new program is well set and runs smoothly. I also include with that the Career Placement Office, especially in terms of alternative careers. Brigitte is doing a great job with the students, and I think we should continue providing more options to students.

Sak: You were VP Public Relations last year as well, and there was talk about you running for LSA President last year. Rumours indicated that Allen and you reached a secret agreement whereby you would support him and stay VP Public Relation and that in exchange he would support your candidacy this year. Now Allen is not publicly endorsing you. How do you feel about that?

PES: First of all, I want to clarify that there was never any such agreement between Allen and myself. We always had an excellent relationship. Last year, it was more a question of other people urging me to run for LSA President. I was a little reluctant because I really wanted to do a moot, that was something that was very important to me, and I was afraid that my time continued on page 18

le 27 mars 2001

N

Dear Doctor P,

I met this girl from psychology at skitnite and she's the bomb but I can't talk to her. Too nervous. Little help?

Sincerely,, DH

Dear DH,

Try a love letter. This one should do the trick (big shout out to Eric Robertson and my sister on this one):

My friends, they tease me everyday,
I think that they should back off.
Cuz the only thing I ever think of is you,
Especially when I drive to school.

I don't know what you've done to me,
It's like you've placed a hex.
I feel like I'm so close to you,
Why can't we just have dinner together?

I want to tell you how I feel,
But I'm afraid you'll think it's corny.
Every time I see your face,
It just makes me so tongue-tied.

I want to drive you to the lake,
In my Chevy pick-up truck.
We'd sit by the water and have a picnic,
And maybe even go for a swim.

In order for me to win your love,
I'd face all kinds of tests.
And I know what'll keep me going is the sight
Of your big, round, supple baby blue eyes.

Whenever I'm around you,
My heart goes into spasms.
And hey! My strongest feature is I
Can have multiple servings at a single meal.

I'm like the GodApollo,
And you are like my Venus.
But you won't be able to believe your eyes
When you see the size of my hockey card collection.

You're the prettiest girl I've ever met,
Since I moved here from Regina.
And I would give most anything
Just to taste your sweet homemade iced tea.

I'm trying my best to please you,
But I'll need a lot of lee-way
Say, maybe you could go call your friend,
So we could have a political debate.

Please send your questions to drpanzonfiah@hotmail.com.
The doctor is always in.

Take me Out

Adam Allouba Law I

Everyone is familiar with "Take Me Out to the Ballgame," a song written in 1908 by two men who had never seen a ballgame in their lives. All that's ever played, though, is just the chorus. As a public service, with opening day a week off and in the interests of higher learning, here is the full version:

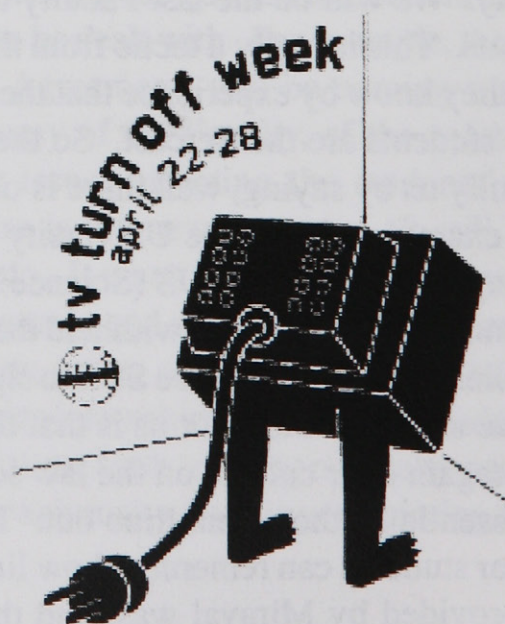
Katie Casey was baseball mad
Had the fever and had it bad
Just to root for the home town crew
Every sou Katie blew
On a Saturday her young beau
Called to see if she'd like to go
To see a show, but Miss Kate said ... No,
I'll tell you what you can do

(Chorus:)

Take me out to the ball game
Take me out with the crowd
Buy me some peanuts and Cracker Jack
I don't care if I ever get back
Let me root, root, root for the home team
If they don't win it's a shame
For it's one, two, three strikes you're out
At the old ball game

Katie Casey saw all the games
Knew the players by their first names
Told the umpire he was wrong
All along, good and strong
When the score was just two to two
Katie Casey knew what to do
Just to cheer up the boys she knew
She made the gang sing this song

Chorus



A Coffee House to Remember, Thank you!

Eric Gilman BCL III

When I wrote (okay, I admit it... 'ranted') in the *Quid* earlier this semester about the current state of coffee house I never foresaw that what happened last week was even possible: the greatest coffee house of my three years in the faculty. When I asked faculty members to attend and envisioned students from all years taking a couple hours out of their hectic schedules I honestly never thought how really special it would feel.

Judging by some of the feedback I had received from the faculty regarding my earlier submissions, it became clear that the *Quid* is read in the staff room. It was also clear that many faculty members shared these sentiments. I had heard rumours that Professor MacDonald was trying to organize some kind of 'faculty sponsored coffee house'. When I saw the announcement of the coffee house in last week's *Quid* I was elated. However I was honestly not prepared for what actually transpired.

At 4:30, three or four professors were stationed behind the beer table learning how not to pour beer with too much head while another three or four professors were wondering if any students were actually left in the building. However, soon students began to arrive. By 5:00, the atrium was full with nearly two dozen faculty members and several scores of students. Many of whom I have not seen at coffee house in weeks, maybe months, maybe ever! At 7:00 coffee house was still going strong.

There was a simple magic about the event – that was felt by everyone there. Faculty members mentioned to me how they would love to do this again – maybe even once a semester. Professors brought their children. Students mentioned how they would love to plan activities for younger children so that all the professors with toddlers could attend. The Dean learned that there is a beer called *Rickard's Red* even if he couldn't quite wrap his head around the existence of the *twist top beer cap*. Liz Gomery brought Mia (her golden retriever) who came to her first coffee house last year as a puppy – Mia that is! All that was missing was the "white picket fence" – does the new black steel guardrail in the atrium count?

I admit it, "sponsored coffee houses" are fun – don't get me wrong I kinda like the free beer and crappy hors d'oeuvres – but last week wasn't just fun, it was special. Instead of firm partners pontificating about "valuing relationships", we saw the real thing! It was also important to prove to ourselves that we do value the company we share in the faculty. It was an essential validation of that which coffee house is intended to accomplish. I would even go so far as to say that it was a validation of that which the law school experience, in part, is intended to accomplish – to bring the professors, the administration, and students from all years together to talk, laugh, debate, interact, and share some time.

I want to thank everyone for attending: all the students who came so late in the semester (yeah I know, I should be in the library as well) and members of the faculty & the administration (especially Professor MacDonald for leading the charge!). I could safely say that it was one of the best moments I have had in the faculty and clearly a *coffee house to remember*!

Note 1: A special thanks to Professor Janda who cancelled his weekly commitment (involving his son and a violin) so that he could attend!

Note 2: I limited myself to one *Quid* submission so I unfortunately did not write a piece thanking Professor Healy, Allen Mendelsohn, Megan Stephens, and Vivian Wexler for organizing the superb lecture/discussion on Wednesday. Nonetheless, I wanted them to know that since coming to the faculty, I have attended probably around twenty lectures (including 2 supreme court justices) and that this was by far and away the best one yet.

le 27 mars 2001

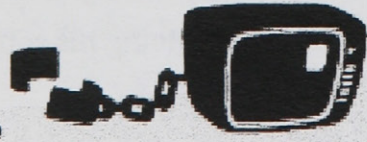
N

continued from page 4

Death be not proud, though some have called thee
Mighty and dreadful, for, thou art not soe,
For, those, whom thou think'st, thou dost overthrow,
Die not poore death, nor yet canst thou kill mee.

John Donne's eloquent allusion in the *Holy Sonnets* to the promise of everlasting life for the human soul manifests a belief that has endured for the entire history of mankind. Vast segments of the world's population, realising that no human force can prevail over death, continue to believe in the existence of a super-human force that can. For them, the 'sanctity' of life is more than an uneasy feeling about taking control over death based on a vague notion that human life is 'untouchable'. Rather, it is a faith-based claim about life that is consistent with an experience-based reflection on death, suggesting that the source of life is supernatural and that humans should exercise extreme care in a 'decisionmaking' process purporting to give them power in a supernatural domain.

I have focused on the claims of religious believers in this essay because I believe that they are fully relevant to evaluating the so-called 'changing attitudes' to life and death, and compel consideration by both religious believers and non-believers. If my experience of law school has taught me anything, it is that solutions to complex issues cannot be found by regarding them within a legal vacuum, or any other exclusive framework. It is clear that tough questions remain as to the extent to which we should attempt to sustain life in the difficult situations Singer rightly identified. Still, even tougher questions remain regarding the extent to which we should attempt to take control over the end of our lives, and that is the essence of the 'sanctity of life' doctrine. Singer's approach dismissed the sanctity of life thesis, but did not comprehensively refute it. For Singer to proceed as though a dismissal amounts to a refutation suggests naivety bordering on intellectual dishonesty; for him to go further still, and dismiss even the suggestion that man's moral freedom may be contingent on supernatural limits, appears to be the ultimate flight of fancy.



Semaine
sans télé

N

March 27, 2001

Hockey World Reeling as Pappas Checks into Rehab Tim Theroux Law II

Officials with the Prosecutors IHL hockey team confirmed Wednesday night that star forward Vasilis Pappas voluntarily checked into an undisclosed Montreal-area drug rehabilitation clinic. At an emergency press conference following the team's 4-3 victory in its final regular season game, the usually stoic Luke Carsley, former Prosecutors head coach and GM, held back tears as he answered reporters' questions. "The guys are just devastated," Carsley said. "He's not only our top scorer but a real role model for the younger kids." Carsley refused to reveal what drugs Pappas had been using, stating only that "we're not talking about Neo-Citran here."

The news took the hockey world by surprise, spreading like a fresh shipment of low-grade heroin through Vancouver's East Side. Pappas had been enjoying a career season, and seemed to have put last year's dismal performance behind him. By netting two assists in Wednesday's win, Pappas tied the IHL record for points by a Greek, a record set by legendary sniper Sammy Konstanopopolokolos during the 1977-1978 season.

Despite his success on the ice, rumors of turmoil in Pappas' personal life were rampant. The fiery centre broke down during an interview with Barbara Walters in late October. A tearful Pappas recounted a "horrific childhood" spent in the Vancouver suburb of Burnaby. The son of immigrants who operated a souvlaki stand on Granville Street to make ends meet, Pappas could not afford to play ice hockey as a youngster. Instead, he practiced with a "stick" fashioned from the fallen branches of a Garry Oak tree and used the discarded produce of local grocers for pucks. At the age of twelve, he financed his first pair of skates using proceeds from a lemonade stand he operated with his sister. A year later, Pappas outfitted himself with second hand equipment and registered for organized hockey, thanks to a summer spent scouring the streets for cans and bottles.

Pappas' meteoric rise from poverty and obscurity to the heights of fame and fortune is an all-too-familiar tale: an extraordinary talent beats the odds, only to be consumed by self-destructive excess. Since breaking into the IHL last season, Pappas' entourage has included sports figures, European royalty, and Hollywood stars, including infamous bad-boy Emmanuel Lewis. His love life has involved torrid affairs with Anna Kournikova, Kate Moss and, recently, Roseanne. Pappas has also become as famous for his frequent public outbursts as he is for scoring goals. Last February, for example, Montreal newspapers reported an incident in which he emerged from a Valentine's Day party and began smashing drinking glasses on the street and swearing at passers-by. Since then, allegations of drug abuse have been rampant.

Through all the controversy, Pappas has continued to produce. Despite his team's poor performance this season, he has constantly dazzled fans and the media with his speed and grace. His drug problems now threaten to devastate his team's play-off chances. Carsley was unsure whether Pappas would be in the line-up for the Prosecutors' first post-season game. "We'd love to have him, obviously," he said. "But right now his mental health is the priority. He has to beat his demons."

gilman interview...from page 12

be able to be receptive to ideas different or opposed to yours?

Eric: If anyone thinks I am not open-minded, I beg them to talk to my friends, or people I work with at the Clinic. I welcome debate, and I am always willing to change my mind. All my articles in the Quid always end with "come talk to me at Coffee Haus" or "Write back in the Quid". So in that sense, I don't think being outspoken is incompatible with being President of the LSA. As long as you are receptive to others.

Sak: Do you think the under-representation of Francophones, be it the absence of articles in French in the Quid or of skits in French at Skit Nite is a problem?

Eric: I think there is definitely a need for a strong francophone presence at the Faculty. This is why a majority of students came, I believe, to this Faculty. Not those who didn't get in at U of T, but those who picked McGill as their first choice. It adds a lot, and I'm really happy to be bilingual, to be able to work and research in both languages.

Sak: Yes, but is there a problem in terms of not having articles in French in the Quid or skits in French at Skit Nite.

Eric: Well listen. I talked to a lot of people about it. Francophones, Anglophones, Allophones, etc. No one ever told me that they felt uncomfortable submitting an article or a skit in French. If that was the case, it would be a huge problem. If anyone felt that way, I would beg them to talk to me and it would have to be addressed. Aside from that, it is not my place to go to a group of students speaking in French and asking them "Have you written anything in the Quid recently?". There is a line that cannot be crossed in asking people to participate. The same goes for social events. People make choices. All I can do is encourage students to come out. As a Frosh leader, I can call them before every event, and that's what I did this year, and maybe give a 2 minute pitch, but beyond that, I can not berate them and make them feel uncomfortable and socially inept if they opt not to be part of orientation. There is line there that can't be crossed.

Sak: Which side were you on in the series of articles *Dissension at the LSA*?

Eric: Well you know, Hafeez has always been a dark horse in my life, and I really think he came close, there were a bunch of us behind him, ready to rally. I think

it was his time, but I am very sad he missed his opportunity.

Sak: Quelle est ton opinion sur l'École du Barreau, suite à la manifestation de la semaine dernière à propos des examens?

Eric: C'est un très gros problème. Le fait que certains, et même beaucoup d'étudiants soient prêts à déménager et se relocaliser pour éviter le Barreau, c'est terrible. Il y a aussi le fait que le Barreau a un monopole, dans le sens où la majorité des étudiants en droit du Québec n'ont pas vraiment de choix. S'ils ont seulement un diplôme en droit civil, ils sont obligés de se soumettre au Barreau. Je crois que c'est un problème.

Sak: Let us assume you are President next year, and everything fails, it's a terrible year. What would be the one thing you would like to accomplish, that you could point to and say, I am happy with this year.

Eric: Cohesiveness in the Faculty. All the other things are to some extent beyond my control. For example, the negotiations with the University. But being accessible, being present and not being remembered at the end of the year as a president that worked really hard but that no one saw. And by being accessible to students, help bring the students together, that would make me really happy.

Sak: Quelle est ton opinion à propos du nouveau programme?

Eric: Je crois que c'est fantastique. C'est une suite naturelle et un progrès brillant. Tout ceux qui ont pris les cours d'un semestre en Obligations ou en «Torts», par exemple, ont très rapidement réalisé que 98% du contenu est le même, mais seulement avec un nom différent. La seule idée d'avoir à la fois Professeur Jutras et le Vice-Doyen Baker dans le même cours s'envoyer des répliques et intervenir est assez attrayante. J'ai voulu assister à un de ces cours mais je ne pouvais pas, j'avais un conflit d'horaire ou quelque chose. Le seul problème avec le nouveau programme, à mon avis, est qu'il faut trouver quelle est la meilleure façon de le mettre en pratique et de résoudre les problèmes restant tel que je l'ai mentionné précédemment.

Sak: What about the lack of students from minorities.

Eric: I think it is pathetically sad. But I don't think the problem is the Admissions Committee. Knowing

continued on page 19

le 27 mars 2001

N

simard interview...from page 13
 mitments would conflict. There was also the fact that the position of VP Public Relations was a new one, and I really wanted to build on the work done in my first year. It's always fun to compete against yourself and see if you can for example raise more money than last year, etc. I supported Allen all the way. I was convinced he would do a great job, and he has.

Sak: You mentioned you wanted to moot, and were afraid of the time commitment. Are you saying that the job of President is more demanding than your current job as VP Public Relations?

PES: That's a good question. The two position are demanding, but in a different way. I hope I can be on the Exec next year to help out the new VP Public Relations because it is a lot of work. This being said, the position of President is before and above all one of presence. You have to be there, you have to coordinate things, know the responsibilities of each VP, and be a constant support. You also have more meetings to attend, so in that sense, it does take more time. If there is an emergency, the President is always the first one to take the hit, and he always has to deal with everything, so he needs to know at least a little bit about every project.

Sak: You worked with two different presidents, Allen and the lovely Liz Drent. With whom did you prefer to work, and which one do you think you resemble most.

PES: First of all, I don't think it is fair to ascribe the quality of the working environment in the LSA solely to a President. He or she is extremely important in that respect, but it also depends on the other members. Last year, the situation was very different, we had problems with our VP Finance who resigned, so obviously the atmosphere was affected. Liz was a wonderful president. She would just be able to take on so much work it was scary. She was restless. In that sense, I think I resemble Liz, I like taking on a lot of responsibilities and feel I need to know every matter, and I like being very busy. The more the better. What Allen really understood well was the importance of delegation. The VPs often have numerous projects and it is not the role of the President to interfere and say this is how it should be done. He obviously should know what is going on, but giving a lot of leeway to the VP's. This was Allen's best quality as President.

Sak: Do you think the under-representation of Francophones, be it the absence of articles in French

in the Quid or of skits in French at Skit Nite is a problem?

PES: It is not a problem if the students don't feel the need to express themselves in French. What I adore in this Faculty is that "passive bilingualism". You will hear two students talking, one in French and one in English, and everyone understands each other, it's fascinating.

Sak: Which side were you on in the series of articles *Dissension at the LSA*?

PES: I was on Allen's side all the way.

Sak: Quelle est ton opinion sur l'École du Barreau, suite à la manifestation de la semaine dernière à propos des examens.

PES: Je supporte entièrement les étudiants du Barreau. Le Barreau est un système de filtrage professionnel qui impose certaines restrictions. Le système est bon en autant qu'il filtre entre les étudiants qui sont sérieux et ceux qui ne le sont pas. Présentement, ce n'est pas ce qui se passe. Les examens devraient tester la connaissance des étudiants, mais ceux-ci, à l'heure actuelle, ne sont même pas représentatifs de la pratique. On demande un numéro d'article, oui ou non, et une courte justification de 10-15 lignes. Dans la vraie vie, quand un avocat va-t-il demander à un stagiaire : «je veux une réponse oui ou non, un numéro d'article et une courte justification», le tout dans un temps limité, sans aborder des questions d'interprétation ou de souligner où se trouvent les zones grises. Au Barreau, c'est noir ou blanc.

Sak: Let us assume you are President next year, and everything fails, it's a terrible year. What would be the one thing you would like to accomplish, that you could point to and say, I am happy with this year.

PES: Let me think about it. (Pause) That students had a good year. That they leave with a smile on their face.

Sak: What do you think of the new program?

PES: I am probably not the best person to answer this question, because I didn't do through it. I think nonetheless that it's a good approach. I talked to a lot of first and second year students, and they really seem to enjoy the experience. I don't think they are learning less than we did [those of the old program]. They are probably better at comparing both systems than I am. The flip side I think is that they don't have the chance to go into details. But in the end, those details don't

continued on next page

more gilman

the people working there, I would be utterly surprised to hear that they were rejecting a number of applicants from ethnic minorities. The problem I think is more societal, the white male is still a dominating force and I am in favour of programs intended to level the playing field, e.g. affirmative action.

Sak: What do you think is the impact of the students going to New York on the Faculty?

Eric: You know, lots of us just want to get by. Just buy a house, and so on. I was reading in the paper and it is virtually impossible to buy a house in Toronto nowadays. So when New York firms come and offer \$150,000 right off to students to work, it is very hard to say no. A lot of my friends are telling me they want to go, and save some money and then go work for government of NGO's, and I don't think you can blame them. Is there a negative impact on the Faculty, yes, insofar as there seems to be an increased competitiveness. But I think that is a problem that will largely fix itself. We are still like kids in a candy store because New York is a relatively recent phenomenon. 15 years ago, no one was working in New York. 7 years ago, you had to go to NY for interviews, 5 years ago, one or two firms came to interview. Now, a whole bunch are coming. And remember, we are in good times now, so we're all really benefiting.

Sak: What about out-of-faculty credits

Eric: I think if it is really complementary to the legal studies, they should be encouraged. For example, I took a course in Underground Economics and it really helped me understand several different aspects of drug trafficking, money laundering, etc. Since my main interest is criminal law, it was a great course. And if people take them for the right reason, I don't see any problems in them being graded pass/fail.

Sak: What was the best movie of the year?

Eric: The Big Kahuna

Sak: In one sentence, why should you be president?

Eric: (pause) I think the LSA president should be the person that is the most accessible and the most sincerely caring of the needs and the goals of the students at the Faculty.

Sak: What will you do if you lose?

Eric: I will do what I always do. I will keep being part of this faculty, and love every second of it.

Sak: Thank you Eric.

Eric: No, thank you.

more simard

really matter, because when you do the bar, be it Quebec, Ontario, New York, you cover these details. Some issues still remain to be solved and this is why it is very important that we keep on asking students to give us their feedback and create a more effective forum.

Sak: Quel est l'impact de tous les étudiants allant à New York sur la faculté?

PES: Je crois que New York a un impact positif sur la faculté. New York est une plaque tournante dans le monde, et ça donne vraiment un rayonnement considérable à la faculté. Celle-ci prend une dimension internationale. Si ce n'était pas New York mais Paris, ce serait aussi extraordinaire. Il est certain que les bureaux de Toronto et de Montréal ne peuvent pas compétitionner. C'est une réalité. C'est triste dans la mesure où l'État a contribué à l'éducation et qu'il pourrait y avoir une obligation morale, etc., mais cela est un débat différent. Pour la faculté, et c'était ta question, c'est extraordinaire d'avoir des gens qui aillent travailler un peu partout. Que ce soit à Toronto, Vancouver, New York, Boston qui se rajoute, cela démontre que le niveau d'éducation acquis ici à McGill est reconnu comme étant d'une qualité exceptionnelle.

Sak: What about out-of-faculty credits

PES: I think the current proposal is a good one. We have to recognize that there are two groups of students. First of all the students coming straight from CEGEP. For some of them, if it will be their only university degree, and I think it is fantastic to allow them to get a more general education. For the ones who already have one or several university degrees, they might not be as interested, and they might simply want to study law. We also have to acknowledge that it is a new program, and that a short transition period is required.

Sak: What was the best movie of the year?

PES: Crouching Tiger, Hidden Dragon.

Sak: En une phrase, pourquoi devrais-tu être président?

PES: Parce que je vais y mettre vraiment tous mes efforts pour que ce soit vraiment une année extraordinaire.

Sak: Que feras-tu si tu perds?

PES: J'y penserai en temps et lieu.

Sak: Je te remercie Pierre-Étienne.

PES: C'est moi qui te remercie.

le 27 mars 2001

N

on ambivalence and the picture of dorian gray

Karen Lajoie LLB III

Last week in our venerable Quid, my friend and colleague Robert Leckey shared his thoughts about the image we collectively project to our finite legal universe through Skit Nite. He wondered if it was appropriate to introduce potential new students to the Faculty through an event which parades our deep-seated ambivalence about high paying corporate jobs and galloping firm sponsorships, through thinly-veiled, sharp-edged humour, songs, and pop culture references.

Those of you who were at Skit Nite this year and watched Robert and I taking part in just such a skit might be wondering what the hell we're talking about. I think it is safe to say most students at the Faculty have a complex relationship with both the law and their future careers that creates a general atmosphere of ambivalence. It is fitting, if unflattering, that these concerns are most amply given voice at Skit Nite, which operates as an annual springtime pressure-valve. I, and I think Robert as well, enjoy Skit Nite very much, and we are certainly not arguing for fundamental change to the evening. It is a tradition, and for better or worse, reflects us back to ourselves with more accuracy than is comfortable, from the anglo domination of the stage to the lack of shaded variety among the faces. But is this the best view to put forward to prospective students?

The show highlights our ability to work together, regardless of year of study, or whether we are students, profs, or staff; demonstrates incredible energy and dedication; and allows us to make fun of ourselves and our concerns each year, while simultaneously raising a substantial amount of money for charity. But the endless inside jokes also underscore the fundamental divisions within the faculty; along language lines, by year, and most especially along the lines of chosen articling experiences.

Admissions Committee members will tell you the majority of applicants each year talk in their personal statements about wanting to do humanitarian legal work, or social advocacy, or public service, once they graduate. And yet each year, the majority of graduates go off to article with firms, mostly large, well-paying firms, and in many cases those noble aspirations are put aside. Are these people lying, either to the institution, or themselves, to get in? Are they secretly just dying to do corporate tax law in Manhattan, but saying the politically correct thing to appeal to erstwhile left-wing academics and get in the door? I cannot support this unconscionably cynical view.

What happens to us in the four or five years from application to graduation is a far more subtle process of gradual erosion. In law school, far more so than in my previous career as a reporter, I have often been reminded of a passage in *Broadcast News*, where Albert Brooks tries to convince Holly Hunter that the devil will not appear to us in stereotyped red pointy ears and a tail, but will rather be a pleasant, charming, and attractive fellow who causes us to lower our standards just a little bit at a time, until we no longer recognize ourselves.

People come here with good intentions, that may or may not be grounded in life experience and practice. From the moment we set foot through the door, we are bombarded by explicit and implicit messages about the kinds of jobs that will be available to graduates of the Faculty. Many of these messages also carry price stickers or other inducements. "Work for us, and earn \$100K/year." "Come with me and I'll give you a laptop." "Travel to my headquarters and live in a glamorous city." For students who have but vague notions of what they might like to do with a law degree, it can be an incredibly heady period of temptation. This is compounded by the propagated idea that only those in the top percentage of their class, with a certain minimum GPA, will be "invited" to join these firms. By constructing this idea of an elite, firms are able to use our most basic insecurities against us. They exude a magnetic pull on our interior compass that slowly changes our direction, until finally, we can no longer see the goals we came in with. Most of us will leave here heavily in debt. A well-paying job can ease the transition into the workforce and reduce a sizable financial burden. It's easy to choose based on short-term needs. And that is where the ambivalence takes root.

To be sure, there are some folks here who have always wanted to do corporate/commercial work, and the chance to work at a major firm, either in New York, Toronto, or London is a dream come true. I am not talking about these people. They remain true to their ambitions, and more power to them. I am talking instead of the rest of us, who look at our balance sheets and wonder if we will ever be able to pay off the loans and build a retirement nest egg on what human rights commissions, or NGOs, or some other ideologically favorable institution can pay us.

We have not suddenly decided we like securities regulation, but we have begun to view it as a means to an end. It is that sense of inevitable compromise that creates the ambivalence we see at Skit Nite. Think about who was on that stage, singing and joking about the downside of New York and large law firms generally. It wasn't my squishy pink human rights colleagues savaging their classmates, but rather the general population turning upon itself in satiric self-immolation. It is as though we feel a need to apologize for straying from the ideal-strewn path that originally brought us to McGill's door.

This ambivalence also reflects the Faculty's personality schism. Although it is marketed to students based on its public law persona, including a heavy human rights component, its image in legal circles is of being among the best private law-focused schools in the country. That push-pull atmosphere can't help but be felt by students, even if they can't identify exactly what it is they're sensing in the corridors.

All of us here are extraordinarily privileged, regardless of our personal circumstances. With this privilege comes a responsibility to use our newly-acquired skills and attendant power in a productive and constructive fashion. If we cannot

continued on next page

old brewery mission

21

A group of first year law students volunteered several hours of their time on Monday night to serve dinner to over four hundred individuals at the Old Brewery Mission. We present two different reactions to that experience.

Michelle Williams Law I

Our instructions were simple, one day-old bagel per person and only one cup of coffee, even if they asked for more. We were to form an assembly line and hand out plates of food. By the end of the third sitting we were operating like a well-oiled machine. As quickly as the individuals were ushered in and fed they were herded out so that we could begin the process again.

The above description reflects what appeared to be quite a dehumanizing process. No one would argue that people should go hungry in the street, but for the homeless or economic disadvantaged person would their experience have been much different?

The feeding of over three hundred people in a little over two hours is a result that only McDonald's could compete with. The efficiency of the Mission was remarkable and its goal in ensuring that no one starves is a noble one. The concern however is much bigger in that it goes to how we view poverty and those who queue outside a homeless shelter for several hours for a hot meal.

Not one individual who was fed was given an opportunity to make choices about their dining experience, yet, no one complained. Everyone seemed complacent in accepting what was handed to them; as if they had been conditioned to believe that was all they deserved; or that they should be so lucky to get a free hot meal.

As volunteers we were thanked and made to feel appreciated. There was something odd about being made to feel good about oneself in such a situation. Were we really giving back to the community? Were we connecting with people as humans or offering our assistance out of pity? In leaving the shelter we were able to leave the faces of poverty behind us, content in knowing that we are not one of them.

I went to the Mission naively believing that I could help, I left feeling like I had done nothing more than contribute to a system, which although well-intentionally handing out food, fails to stop and look at the person behind the outstretched arm.

Hilary Stedwill Law I

I learned that the Mission is not a place for pity. It's a place for getting through life. Visitors to the Mission don't want sympathy. They want nourishment and a place to sleep in a time when they can't provide for themselves.

My perfect world doesn't have Missions, but there is nothing wrong with having to use one. Life plays dirty sometimes and our society has places like the Mission to hedge our bets against the curveballs life throws our way.

Frankly, the Mission is there for me too. I wonder if any of us are as far from needing the Mission as we think. I've lost an apartment to fire. While I had friends and family to help out, and thankfully my parents' insurance, I know a Mission would have been indispensable if any of that were missing.

I felt a twinge of pity when the first wave of clients marched in, single file, one bagel, one desert and one coffee, thanks. However, I realized quickly that pity is not what anyone there wanted or needed. My clients wanted to eat, to drink, to meet with their friends and to sit for a moment. They wanted the same things the people who drank in my bar wanted last summer. The difference is that at the bar, my clients paid money, which earned them the freedom to choose.

That difference is significant, but it's not a difference warranting pity. The difference should inspire a change in society that says that everyone should be able to pay their own way and choose. The difference should not affect how we treat or feel about the individuals living in that society.

I ate dinner at the Mission. There were some raised eyebrows at this. I have my own food. Why was I eating theirs? I was hungry and because my employer could afford to share with his employees. The bar I worked in gave me a free pint at the end of my shift. The bar and the mission work with what they have. Both do useful things. Both are normal, even though one is not ideal.

Feeling sorry for people will not fix anything. Working to correct societal ills will. Save your pity for society. Treat the people special — as my mom still tells me — no matter who or where they are in everything you do.

Lajoie from page 20

fully embrace the decision we make about the first step of our careers, how can we hope to be comfortable with where subsequent steps lead? Perhaps this ongoing ambivalence outside the confines of law school is what leads so many lawyers to leave the profession within the first five years of practice, completely disillusioned with their careers. It is always more difficult to go against the grain, and in a law school, that means stepping off the firm track. The question then becomes one of personal character and strength to forge a path that hews more closely to one's original ideals.

I have learned this lesson the hard way. I have been the 23-year-old recruited straight out of school with the promise of a glamorous life and an 85 thousand dollar annual salary (in 1986!). And I have seen how empty the career Holy Grail can be when it is chosen based on salary and perks and security instead of the work itself. I suspect the majority of you would think a career in the film industry, with a large chunk of each year spent in Hollywood negotiating film deals, would be perfect for a film and TV grad, and glamorous to boot. It is a lifestyle that involves lots of after hours cocktail parties, film premieres, and schmoozing. It is, no doubt, the perfect job for someone, but it took me a long time to realize that person wasn't me. Because I should have enjoyed it, right? It was in my chosen field, my friends were jealous of my "success", and I had lots of spare cash all the time. But the job had nothing to do with anything creative, and a lot to do with hardball business, which I do not do well or enjoy. In short, despite the spectacular salary and perks, it was the most miserable two years of my professional life. It is a lesson I will hold in mind as I leave law school and embark on yet another career next year.

So, at last I return to the central question. Is Skit Nite the best public face we can offer prospective students? No, but inasmuch as it is a true reflection of our lives and concerns at the faculty, it is the most honest one, in spite of ourselves.

le 27 mars 2001

N

disension at the lsa

all the world's a stage

Special Correspondent #2 *OCDH Basement*

As the year comes to a close, the titanic struggle between President Mendelsohn and his upstart VP Khan is coming to a cataclysmic conclusion. The Report published a fortnight ago has shown that, since the eradication of the nefarious Third Force, Mendelsohn has attacked his rival with a renewed vigor not seen since his battles on behalf of the Bloc Pot in the last Federal Election. As a result of Mendelsohn's new offensive, the normally cautious and reticent Khan has upped the ante with a bold declaration of war.

Both men threw down the proverbial gauntlet at the biggest stage of them all: SkitNite. The Faculty's premier event was marred by infighting and backstabbing that manifested itself both onstage and off over a three day period, culminating in a vicious back-alley style verbal streetfight that left more than a few metaphorical bruises in both camps.

The problems were traceable to several high-profile defections that have occurred over the past few months, and can be directly traced to the schism between Mendelsohn and SkitNite co-chair Jeff Nichols. After Nichols denied the first Special Correspondent the chance to expose the controversy on stage (see previous article), he proceeded to axe a skit Mendelsohn had in pre-production with his close advisor Dean Taylor. This blatant politicking has put a strain on the once rock-solid friendship between Taylor and Nichols, enough so that they are now only seen together three or four times a day. In fact, Nichols instructed his henchwomen Anne de Ravinel and Stephanie Rainville to continually shunt Taylor's Survivor skit aside in favour of more "Khan-friendly" skits during the dress rehearsal. The normally shy and reserved Taylor flew into an uncontrollable rage at the perceived slight, shouting something like "I'm like jackass because group sh*t don't know pull". I'm sorry, I know this does not make any sense even for Taylor, but I had a few beers at Gerts while watching Survivor. One of my (always sober) sources however later indicated to me that what Taylor actually said was "I'm not gonna look like a jackass because these other groups can't get their sh*t together! You don't think I know what you're trying to pull?!". Only the timely intervention of Nichols' Co-Chair Yasemin Heinebecker prevented the situation from getting ugly.

Khan, however was not finished. Under the guise of "humour" Khan and his powerful Thomas More Society cohorts made thinly veiled references to Mendelsohn and his soon to-be downfall in a skit entitled "Sweeping Changes". Khan also appears to have curried favour with the SkitNite chorus, one of whom could be seen carrying an "Impeach Mendelsohn Now" placard on stage during a skit Mendelsohn himself was in. This ultimate indignity was made doubly heinous considering that the chorus was added to the skit at the last minute by Nichols, over the vehement objections of Taylor and the ever smiling Kosta Kostic, the co-authors of the piece.

Nichols even rigged the SkitNite equipment in order to deny Mendelsohn his showcase acting part, the brilliant West Wing takeoff. How a perfectly functioning VCR goes from working to not working in less than thirty minutes is a mystery to everyone except the one who breaks it, and Nichols made it his personal mission to oversee all the technical work being done to ensure that "things ran smoothly".

The two camps have settled into two very precarious positions, hovering over the button like this is some sort of LSA Cold War that neither side is going to truly win. Khan is trying to win over Mendelsohn's personal bodyguard Saklaine Hedaraly, and had Nichols appoint Sak as SkitNite treasurer in order to spend time sizing up exactly where the big guy stands. Khan is continually suggesting that the two go over the SkitNite finances, but has yet to crack Hedaraly's armour. Khan knows that one more defection might tip the balance in his favour, but Mendelsohn is not one to give up without a fight. Reports indicate that he is mulling over an offer to move his headquarters from his stronghold near the Old Forum into the venerable Del Boca Vista, which would consolidate his power over the Montreal area even further. The addition of the might of DBV would more than offset the potential loss of Hedaraly, but the president is worried the volatile DBV members may be setting a trap for him; this correspondent warns everyone to stay tuned. As the hours tick down on Mendelsohn's presidency, an increasingly desperate Khan might strike the fatal blow...or make the fatal mistake.

A Concise History of Chinese Land Law

Joe Mik Law II

Demand for equitable land redistribution fuelled momentous political changes throughout China's history. Hunger and excess government interference cause revolution. Both are intimately tied to inequitable land distribution and management. Popular discontent with the preceding oligarchy propelled each succeeding regime to power. Each succeeding regime conserved its predecessor's spoils to buttress its own power. Communist co-operatives replaced Nationalist warlords' estates, which in turn displaced the dynastic elite. And this latter group replaced the feudal system.

Under feudal (pre-227BC) tenure, ties to land determined identity and status. Nobles bore their lands' name. The Earl from and in charge of Szechwan was referred to as the 'Earl of Szechwan' or even just 'Szechwan.' Commoners were indentured to their noble's fief. Because an estate's size mirrored the owner's status, landholders sold property only as a last resort. The nobles' estates were inalienable. Real property could be sold; real estate could not. If a noble sold a life estate in district A, he transferred tax-collecting rights, access to serf labor, and right of domicile. District A remained, however, an indivisible body that would revert to the lessee's bloodline at death. Bloodline conveyed title. Although title could be subdivided, primogeniture was the rule. In case of intestacy, a matriarch might take charge to prevent the property's reversion to the State. The emperor rarely exercised the right of Eminent Domain.¹ He might do so if an entire family was executed for treason. But even foreign conquest and dynastic succession rarely produced land redistribution.

The Ch'in dynasty (227-210BC) abolished feudal tenure, stripped the local gentry of their titles and lands. The emperor centralized the fiefs' administration, employing an administrative "centrally appointed, non hereditary, salaried bureaucracy."² This short-lived nationalization of property presaged that of the present communist regime.

From the Han dynasty (206BC-220AD) through the Ching dynasty (1644-1911AD), a bifurcated form of leasing dominated tenure. This system favored generational tenants and landlords at the expense of the dispossessed, mobile workforce. It distinguished between two types of tenants, based on the permanence of their holdings. Permanent tenants held a partial equity stake while landlords kept title to their land.³ The equivalent of a 'profit' in common law, this partial equity stake guaranteed a life estate, free access, and rights of extraction. Both title and profit were fully and independently transferable. Contemporary reports indicate that land shortages facilitated liquidity. Although landlords tried

to maximize rent, the quality of harvests flexibly determined rates. Guaranteed indefinite tenure, peasant tenants had further leverage on rents. By contrast, non-permanent tenants holding temporary leases had no property rights. "Landlords had absolute bargaining power" and could summarily raise rent and evict. Life estates predominated in regions where labor was scarce relative to land (in the northern 'Wheat Region,' only 13% was leased). Temporary leases were more common in regions where land was scarce relative to labor. Roughly 40% of the southern 'Rice Region' was leased.⁴

Inequitable land distribution, endemic to feudal and dynastic tenure systems, continued to plague the Kuomintang (KMT) government after 1911. Wen-Hui Wu calculated that, at the turn-of-the-century, China's wealthiest 10% owned 53% of its cultivable land.⁵ Middle class farmers (22% of the population) owned 25%. And the lowest peasant caste, 68% of the population, only owned 22%. Naturally, the disproportion in land ownership forced the lower class to rent on unfavorable terms from both middle and upper class landlords. Middle class farmers themselves were pressed into subleasing to those even poorer than themselves to earn the subsistence income that their densely packed land could not provide. 29% of China's cultivable land was leased to subsistence farmers under this arrangement.

The leaders of the Republic of China (1911-1949), Dr. Sun Yat-Sen and Chiang Kai-Shek, made concerted efforts to introduce meaningful land reform. The Nationalists imported Western legal codes and institutions, hoping that these would catapult China toward industrial nationhood. China's *Constitution of 1947* enshrined a western convention in its opening paragraphs: the right to own⁶ and freely dispose⁷ of individual property. Mindful of 'the Principle of the People's Livelihood,' its authors sought to achieve the "equalization of land ownership and control over private capital in order to attain fair distribution and sufficiency in national economy."⁸ The Constitution's wording favored the peasant majority: "In the distribution of land and adjustment of title deeds the State shall, as a matter of principle, assist tiller-owners and persons who make use of the land themselves."⁹ Speculators, who did not 'use the land themselves,' received nothing.

The Constitution empowered the Republican state to intrude into its citizens' affairs. The central government shouldered its dynastic predecessors' responsibility for the irrigation

continued next page

le 27 mars 2001

N

system. Beyond this, the State was to improve the land's productivity by sponsoring research, planning the economy, and investing in capital projects.¹⁰ It retained taxation powers.¹¹ Taxation took two forms: a traditional incremental income tax, and new capital gains tax.¹² The State broke with tradition when it assumed the power to legislate¹³ use and limit acquisition.¹⁴ For example, Article 143 states that "All the land within the territory of the Republic of China shall belong to the whole body of citizens," precluding foreigners from investing in Chinese properties. In addition to legislation, the State-controlled financial sector ensured that its will was carried out.¹⁵ The State retained Eminent Domain, a right never exercised since the Ch'in dynasty (227BC-210BC). A subsequent paragraph guaranteed that owners of nationalized land would be compensated "according to its value."¹⁶ Nevertheless, in the name of public interest, the KMT nationalized China's "mineral deposits and natural power" and forbade that these "be affected by the people's (...) right of ownership."¹⁷

In reality, due to the KMT's lack of military control over the countryside and its alliances with estate-holding warlords the peasants' situation worsened. Land was never redistributed according to the Constitution's dictates. Widespread corruption and the Nationalists' steady retreat before the Japanese invaders further angered peasants. Popular dissatisfaction with the Nationalists' ineffectuality drove the peasants to join the revolutionary Chinese Communist Party.

Under the People's Republic of China (1949-present), the Chinese Communist Party (CCP) used Eminent Domain¹⁸ to eliminate private land tenure altogether. They reduced ownership to three bodies: the state, the co-operatives, and members of co-operatives. Taking control of the national economy, the state seized urban land, "mineral resources, waters, forests, mountains, grassland, unreclaimed land, beaches and other natural resources."¹⁹ The State financed, build housed and maintained the population's housing. Land became inalienable: "no organization or individual may appropriate, buy, sell or lease land, or unlawfully transfer land in other ways."²⁰ According to Communist doctrine, the State's property belongs to 'the whole of the people.' But no citizen owns an equity stake in the property that is nominally theirs: "since no one can pocket the profits and no one need pay out of his own pocket for the losses, property in this sense is not only depersonalized but eliminated. State property belongs to all and to none."²¹ By 1976, 98% of China's economy was publicly controlled.²²

Co-operatives, the second mode of ownership, are publicly owned regionally based corporate farms. According to CCP ideology, peasants formed co-operatives voluntarily. In fact, the State organized them in order to facilitate central economic planning. The CCP used "aggressive persuasion, threats, and brutal sanctions against resisters (...) to induce the owners of small peasant farms to abandon farming on

their account."²³ Anxious not to repeat the Stalinist catastrophe, the PRC collectivized the peasantry at a more gradual pace over seven (1950-57) rather than two years (1922-24). Communist leaders argued that large-scale co-operatives would establish economies of scale capable of producing a surplus sizeable enough to feed a booming population.²⁴ Co-operatives served as public utility hubs, brining services to peasants for the first time. Ideology also played a critical role: co-operatives' corporate structure facilitated the state's totalitarian control.²⁵ Communists believed that the independent family farm, a 'bourgeois capital venture,' undermined the 'dictatorship of the proletariat.' The Constitution targeted rural and suburban areas for collectivization.²⁶ Unlike their Soviet counterparts, however, Chinese co-operatives are not confined to agriculture. Many possess urban properties and industrial facilities.

Until Chairman Mao's death, private ownership was completely suppressed. After 1976, however, co-operative members were assigned "some private land known as a household plot."²⁷ The peasant has only limited rights over this token plot. "The right to the residual income from it", however, "suffices to encourage intensive work on it."²⁸ Household plots, which account for a disproportionate percentage of agricultural production,²⁹ are taxed.³⁰ The Constitution forbids the transfer of land, save by state delegation or private inheritance.³¹

The relationship between the individual, his property, the State, and non-owners determines the nature of society as a whole. Ownership appeals to people's conservatism by giving them a stake in the system that taxes and protects them. Participative ownership ensures political stability. China still awaits a legal system that facilitates the free use, greatest liquidity, and widest base of tenure.

¹ Boddie and Morris, *Law in Imperial China*, pg.27

² *ibid*

³ Hou, Chia-Chu. "The Structure and Determinants of Tenure System of Modern China: 1900-1940" from *Modern Chinese Economic History*, pg.167

⁴ *ibid*

⁵ *ibid*

⁶ *Constitution of the Republic of China*. (1947). Chapter 13, Section 3, Article 143

⁷ "The people shall have the freedom of domicile and of changing their domicile." *Constitution of the Republic of China*. (1947). Chapter 2, Article 10

⁸ *Constitution of the Republic of China*. (1947). Chapter 13, Section 3, Article 142

⁹ *ibid*, Article 143

¹⁰ *ibid*, Article 146

¹¹ *ibid*, Article 143

¹² "If the value of any piece of land shall have increased not

through the exertion of labor or the employment of capital, the State shall levy thereon an increment tax, the proceeds of which shall be used for public welfare" *Constitution of the Republic of China*. (1947). Chapter 13, Section 3, Article 143

¹³ *Constitution of the Republic of China*. (1947) Chapter 2, Article 108

¹⁴ *ibid*, Article 143

¹⁵ *ibid*, Article 149

¹⁶ *ibid*, Article 143

¹⁷ *ibid*

¹⁸ *The Constitution of the People's Republic of China* (1982). Article 10

¹⁹ *ibid*, Article 9

²⁰ *ibid*, Article 10

²¹ Kornai, Janos. *The Socialist System: The Political Economy of Communism*. pg.75

²² *ibid*, pg. 15

²³ *ibid*, pg. 77-79

²⁴ *ibid*, pg. 82

²⁵ *ibid*, pg. 82

²⁶ *The Constitution of the People's Republic of China* (1982). Article 10

²⁷ Kornai, Janos. *The Socialist System: The Political Economy of Communism*. pg. 80. "Working people who are members of rural economic collectives have the right, within the limits prescribed by the law, to farm plots of cropland and hilly allotted for private use, engage in household sideline production and raise privately-owned livestock." *The Constitution of the People's Republic of China*. (1982). Article 8

²⁸ *ibid*, pg. 80

²⁹ *ibid*, pg. 80

³⁰ *The Constitution of the People's Republic of China* (1982). Article 56

³¹ *ibid*, Article 13

A WORD ABOUT THE PLACEMENT OFFICE REFERENDUM

Allen Mendelsohn LSA President

Given that I am responsible for presenting this referendum to students, I thought I should write a word or two to tell you what's going on with one of the referendum questions posed to law students next week as part of our elections. I think the background and reasoning for the referendum was well outlined in the full motion I put to LSA Council, so I'll reproduce it here:

WHEREAS the Placement Office Director is currently only a part-time position;

WHEREAS the Placement Office is one of the most used services at the Faculty of Law;

WHEREAS the Administration of the Faculty has recommended the Placement Office Director be hired full-time;

WHEREAS the Administration has agreed to pay half the cost of the increased salary required to make the position full-time, and has asked the students to pay the other half;

WHEREAS the contribution required from students is in the amount of \$6,800 (six thousand, eight hundred dollars);

WHEREAS students currently pay \$20 (twenty dollars) per semester to fund half the salary of the Placement Office Director, the other half being funded by the Administration;

BE IT RESOLVED that the following question be put to students in a referendum during the LSA Election period of March 28-29:

Do you agree to pay an additional \$6 (six dollars) per semester to fund the increase in salary required to make the Placement Office Director a full-time position?

Yes

No

I think that sums things up pretty well. Someone asked me last week if the salary was to go to the current Placement Office Director, Brigitte St-Laurent. The answer to that is yes. If you have any other questions about this referendum or anything else, please contact me at mendela@lsa.lan.mcgill.ca or come to the office.

With respect to the elections generally, get out there and vote. There are some interesting races this year, and two very important referendum questions. Voting is your right (and some would say your obligation) — exercise it.

le 27 mars 2001

N

CAREER & PLACEMENT

1) OFFERS RECEIVED THIS WEEK (ARTICLING)

- MILLER THOMSON LLP is looking forward to receiving applications from students for the articling positions they have available in their Vancouver office for 2002-2003. Send your application to:

Ann de Beurs
Students & Associates Coordinator
Miller Thomson LLP
Robson Court, 1000-840 Howe Street
Vancouver, BC V6Z 2M1
Fax: (604) 643-1200
Tel: (604) 687-2242
www.millerthomson.com
e-mail: adebeurs@millerthomson.ca

For more information, you can check the CLCDN articling database (available at CPO).

- ONTARIO POWER GENERATION has articling positions for someone interested in experiencing an 'in-house' environment. Their legal department currently consists of 19 lawyers divided into three general practice areas: corporate/commercial; labour/employment; nuclear/regulatory/environment. The three articling students will rotate through the 3 departments, providing them with exposure to all of the areas of law in which OPG practices. In the past 2 years they offered a two-month secondment at a major Bay Street law firm. Salary: competitive with other large in-house departments and the Department of Justice. There might be the opportunity to be hired back. For information:

Cara Clairman
Counsel, Environmental Law
(416) 592-4291
e-mail:
c.clairman@ontariopowergeneration.com

Kath Hammond
Counsel, Corporate Commercial Law
(416) 592-2821
e-mail:
k.hammond@ontariopowergeneration.com

- La société FLYNN, RIVARD est à la recherche d'un candidat afin d'occuper un poste de stagiaire à leur bureau de Montréal pour le stage débutant en 2002. Le candidat sélectionné pourra aussi travailler auprès de

la société comme étudiant dès la fin de l'année académique afin de se familiariser avec la pratique privée avant même le début du stage officiel. Le cabinet compte une cinquantaine d'avocats répartis à ses bureaux de Québec, Montréal et St-Georges. Veuillez transmettre votre candidature avant le 30 mars à:

Me Stéphane Lamarre
FLYNN, RIVARD, société en nom collectif
1200, avenue McGill College
Bureau 1500
Montréal, Québec
H3B 4G7

Les entrevues auront lieu au début du mois d'avril.

2) OFFERS RECEIVED THIS WEEK (Summer/part-time positions)

- HYDRO-QUÉBEC (second affichage) : Offre d'emploi d'été; Durée: 4 mois. Nombre de sessions complétées requises : 4 à 6. Unité administrative: Direction - Environnement. Lieu de travail: siège social, boul. René-Lévesque O. Fonctions: Dans le domaine du droit de l'environnement (à un degré moindre également le droit de l'énergie, international et comparé). Vous aurez à: effectuer des recherches ad hoc, faire le suivi de la nouvelle législation, rédiger des synthèses, des articles et d'autres documents, préparer des dossiers administratifs de nature interdisciplinaire, développer des outils pédagogiques.

Exigences: bonne méthodologie en droit, très bonnes capacités de rédaction, autonomie, maîtrise de PC-Word. Atout: connaissances de sciences naturelles ou administratives (Normes ISO 14001, systèmes de gestion). Les personnes intéressées sont priées de faire parvenir leur curriculum vitae, en précisant le numéro de concours HQ021 avant le 28 mars 2001 à:

Hydro-Québec, Centre de recrutement, C.P. 11423, succ. Centre-Ville, Montréal (Québec); Téléc.: (514) 289-2078; Courriel: recrutement@hydro.qc.ca.

3) OFFERS RECEIVED THIS WEEK (Others)

- La COMMISSION EUROPÉENNE, Direction générale de l'éducation propose deux fois par an des stages d'une durée de 3 à 5 mois à de jeunes candidats (moins de 30 ans) diplômés d'université ou issus du secteur

public, choisis parmi les ressortissants des États membres de l'Union européenne, ainsi qu'à un certain nombre de ressortissants de pays tiers. Ces stages constituent une expérience de travail dans l'un des services de la Commission. Ils commencent les 1er mars et 1er octobre de chaque année. Tous les candidats sont éligibles au titre d'une bourse. Le Service juridique est situé à Bruxelles. Prochaine date limite : 31 mars. Informations supplémentaires et formulaires disponibles au CPO.

- ROOFTOPS CANADA/Abri international, the international development program of cooperative and social housing organizations in Canada, is looking for 9 recent graduates to place with partner organizations in Argentina, Ecuador, Egypt, India, Kenya, South Africa, or Zimbabwe for 6-month internships starting in July or September 2001. Candidates must be Canadians and between 19 and 30 years of age, have graduated within the last 3 years and be currently unemployed or underemployed.

Individuals who have previous professional experience working overseas in their field are not eligible. Application deadline: April 23. For information: CIDA's Youth Initiatives Program: www.acdi-cida.gc.ca. To apply: Please send resume and cover letter to: Dana Rudiak,

International Program Officer, Rooftops Canada/Abri International no. 207 - 2 Berkeley St., Toronto, Ontario M5A 4J5. Tel: (416) 366-1445; Fax: (416) 366-3876.

- The UNITED NATIONS Association in Canada is now accepting applications for the Junior Professional Consultant programme. Funded by the Dept. of Foreign Affairs and International Development Agency, the Youth International Internship Programme allows Canadians youth from the ages of 18 - 30 to gain first-hand experience in the international community. The programme places 25 persons in various UN-agencies around the world. Placements are paid and last approx. 6-8 months.

Applicants must be Canadian, or permanent residents and have graduated and/or not presently enrolled in an academic institution. Applicants must also demonstrate an interest in international affairs/development, and particularly in the United Nations and UN-related issues. To apply, send your CV and

CAREER & PLACEMENT

cover letter by May 28 to:

Linda Pinnacle, Project Officer-Youth Internship Programmes
United Nations Association in Canada
130 Slater Street, Suite 900
Ottawa, ON K1P 6E2
Tel: (613) 232-5751 ext. 237
Fax: (613) 563-2455
e-mail: linda@unac.org

4) SURVEY – GRADUATING STUDENTS

Thank you for taking the time to fill it. Bring it back to CPO or drop it in the mail box next to my office.

5) FORMULAIRES D'INSCRIPTION À L'ÉCOLE DU BARREAU: disponibles à OUS.

6) MATCHING PROGRAM –ONTARIO RECRUITMENT

To find more about it please check the National Matching Services' web site: www.natmatch.com/ontart. I will keep you posted on the Ontario recruitment process as we get closer to the date. The information session is postponed until September.

Recognize your Peers!

The LSA is now accepting nominations for the following LSA Student Awards:

Allen Neil Ash Award is awarded to any student who has contributed to sporting endeavors of the Faculty during the year of the award

Patricia Allen Award for Participation is awarded to any student who has contributed to the Faculty community through participation in extra-curricular and co-curricular activities in the year of the award

LSA Graduating Student Award is awarded to students in their graduating year who have made outstanding contributions to the life of the Faculty during their years of study

Nomination forms are available at the LSA office. Please return completed nomination forms to the VP Administration's box by 5:00 P.M. Friday, March 30.

GAIUS PROGRAMME, SUMMER COURSE AT MAASTRICHT

As I announced earlier, a summer course will take place at Maastricht University in the Netherlands from June 25 to July 13, 2001. This course is organized under the auspices of the Gaius Programme, a consortium of Canadian and European Universities funded by the Canadian government and the European commission.

All students in good standing are eligible to apply for admission into this summer course. The course will consist of three weeks of lectures held on a daily basis for a total of approximately 75 teaching hours. All courses will be offered in English, by professors from Maastricht and other professors coming from consortium members (Paris, Turino, Hamburg, Lund, McGill, Dalhousie and UBC) Modes of evaluation remain to be specified, but will most likely take the form of paper(s) to be written on the subjects of the course. The topics for the course are the following.

Σ European Law and Comparative Law : an overview of European Community Law, Comparative Law and the relationship between the two (Week One)

Σ Current Issues of Competition Law (first half of Week Two)/ Incentives for Innovation in the Biomedical Industries (second half of Week Two)

Σ European Private Law (Week Three): an exploration of problems of unification and harmonization in Contracts and Torts in the European Context. Special attention paid to electronic commerce.

Depending on modes of evaluation and the number of hours devoted to teaching, McGill University will recognize these courses (on a pass/fail basis) for up to six credits in the law programme.

Le programme Gaius offre une aide financière aux personnes qui participeront à ce cours d'été. Une vingtaine de canadiens provenant de McGill, Dalhousie et U.B.C. recevront approximativement 2000\$ pour couvrir leurs dépenses sur place ainsi que les coûts du transport aérien. L'Université de Maastricht confirme que des résidences d'étudiants seront mises à la disposition des participants, au coût probable de 600 NLG (florins néerlandais) pour un mois.

A la suite de mon dernier avis dans le *Quid Novi*, j'ai reçu des messages de la part de plusieurs personnes m'indiquant qu'elles étaient intéressées par ce cours d'été. Il est maintenant nécessaire de procéder plus formellement. J'invite tous ceux et celles qui voudraient participer à ce cours à déposer un curriculum vitae et une lettre d'intention dans mon casier au 3644 rue Peel, AVANT 15 HEURES LE VENDREDI 30 MARS. La lettre d'intention devra faire état des raisons qui vous incitent à poser votre candidature. Elle devra aussi indiquer, le cas échéant, les cours suivis dans le cadre de votre programme qui pourraient avoir couvert les sujets qui seront abordés dans le cours de Maastricht. Seulement sept personnes seront retenues. Si une sélection s'avérait nécessaire, elle sera faite en favorisant les étudiants des années supérieures, ceux pour lesquels le cours ne fera pas double emploi avec d'autres cours déjà complétés, ceux dont le dossier académique révèle une aptitude à compléter ce cours avec succès, et ceux dont la lettre d'intention fera valoir les motifs les plus pressants (les critères de sélection seront appliqués dans cet ordre).

Je serais heureux de répondre à toute question sur le programme.

Daniel Jutras
Jutras@falaw.lan.mcgill.ca
398-8947.

le 27 mars, 2001

JOHN PETERS HUMPHREY HUMAN RIGHTS WORKSHOP SERIES

International Labour Law

HUMAN RIGHTS PROTECTION WITHIN THE ILO

PROFESSOR ADELLE BLACKETT
FACULTY OF LAW, MCGILL
INTERNATIONAL LABOUR ORGANISATION

- ♦ DATE: WEDNESDAY, MARCH 28, 2001
- ♦ LOCATION: RM. 202
- ♦ TIME: 12:30-2:00 PM
- ♦ REGISTRATION: A.S.A.P.(SEE BELOW)
- ♦ FOURTH OF A FOUR PART SERIES.
- ♦ PREPARATORY MATERIALS AVAILABLE TO PARTICIPANTS.

PROFESSOR BLACKETT WILL DISCUSS THE ILO SYSTEM OF PROTECTION, AND COMMENT SPECIFICALLY ON THE SIGNIFICANCE OF THE 1998 DECLARATION AND THE RECENT ACTION AGAINST MYANMAR (BURMA). THE SIMULATION WILL FOCUS ON ILO COMPLAINT PROCEDURES AND THE TRIPARTITE STRUCTURE.

HUMAN RIGHTS WORKING GROUP
INTERNATIONAL LAW SOCIETY

REGISTRATION: LATTANR@LSA.LAN.MCGILL.CA